U.S. Patent No. 09/663,501　　　　　　　　　　　　　　　　PATENT
Reply to Final Office Action dated July 21, 2006　　　　450100-02714

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herein.

I.　STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2 and 12-19 are pending in this application. Claim 2 is independent. No claims have been amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112.

The Office Action contends that Applicants' argument regarding the Specification on page 9, Figures 1 and 5, described on pages 7-10 which illustrate other inventions is improper. Applicants respectfully traverse the Office Action contention that the argument regarding the Specification on page 9, figures 1 and 5 is improper. Applicants submit that the recitation of subject matter relating to a random number generator is merely subject matter disclosed in the original Specification, which further describes the invention. Additional support of Figures 1 and 5, are provided to support the disclosure of the claimed subject matter and provide a reference for understanding the incorporated attributes of the claimed invention. Furthermore, Applicants respectfully submit that the claimed recitations have been under examination already and reviewed by the Examiner previously, which has been admitted as subject matter of the claimed invention.

Applicants respectfully request withdrawal of the Examiner's traversal of arguments.

II.   REJECTIONS UNDER 35 U.S.C. §112

Claims 2 and 12-19 were rejected under 35 U.S.C. §112 , first paragraph, for

allegedly not describing the recitation "wherein the random time is used to modify the

determined time." However, it is clear from the Specification on page 9 that the random time is

used to modify the determined time in order to randomly distribute the load on the server. The

random number generator (207) is disclosed in Figures 1 and 5, and described on pages 7-10.

Additionally, the Abstract states in line 11 that "a random timing [is] generated based on a preset

time." This provides sufficient written description of the claimed recitation. Accordingly,

Applicants respectfully request that the rejection of the claims under 35 U.S.C. §112, first

paragraph, be withdrawn.

III.   REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 2, 12-15, and 18-19 were rejected under 35 U.S.C. §103(a) as allegedly

unpatentable over U.S. Patent No. 6,536,041 to Knudson et al. (hereinafter, merely "Knudson")

in view of U.S. Patent No. 6,583,825 to Yuen et al. (hereinafter, merely "Yuen") in view of U.S.

Patent No. 5,920,700 to Gordon et al. (hereinafter, merely "Gordon").

Claims 16-17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable

over Knudson in view of Yuen and Gordon and further in view of U.S. Patent No. 5,121,430 to

Ganzer et al. (hereinafter, merely "Ganzer").

IV.   RESPONSE TO REJECTIONS

Claim 2 recites, *inter alia*:

"An information processing apparatus comprising:

7 of 10   00391865

a data server having a database for storing program information;

a plurality of program information receiving apparatuses having a means for accessing said data server and first means for downloading said program information;

one or more terminal devices, coupled to one or more of the plurality of program information receiving apparatus by second means for downloading; and

a random number generator for generating a random time;

wherein the first means for downloading of each of said program information receiving apparatuses has a table in which access times to said data server are set for each region, and downloads said program information from said data server at a determined time, set by said table,

wherein the random time is used to modify the determined time, and

wherein the first means for downloading has a lower transmission rate than the second means for downloading."
(emphasis added)

As understood by Applicants, Knudson relates to a program guide system in which an interactive television program guide is implemented at least partially on user television equipment receives program listings data and real-time data such as sports scores, news data, and the like.

As understood by Applicants, Yuen relates to embedding multiple channel maps in a television transmission and the appropriate channel corresponding to the particular television service used by the viewer is downloaded for use with the television receiver.

As understood by Applicants, Gordon relates to an intelligent asset management system which includes a schedule manager for evaluation of predetermined events particular to

each asset and predetermined requirements for distribution, updating, and deletion of the asset in view of the real-time conditions and constraints.

It is respectfully submitted that the applied combination of Knudson, Yuen and Gordon does not teach the above-recited features of independent claim 2. Specifically, the Office Action concedes that "However, Knudson in view of Yuen does not specifically disclose random time is used to modify the determined time." (See Office Action page 8) Applicants respectfully disagree with the assertion that Gordon provides the disclosure missing from Knudson and Yuen.

The Office Action cites column 7, line 52 - column 8, line 4 of Gordon, which recites "...the asset management system of the invention might automatically assign priority of movies and music to the distribution system between the hours of 8:00 PM and 10:00 PM over news assets...priority shifts in different areas of the network served by the operations center may be appropriate."

Applicants submit that assigning priority of movies and music to the distribution system between the hours of 8:00 PM and 10:00 PM is completely different than a random number generator for generating a random time, wherein the random time is used to modify the determined time.

Therefore, Applicants submit that Knudson, Yuen and Gordon, taken alone or in combination, fail to teach or suggest the features of claim 2. Specifically, Applicants submit that there is no teaching or suggestion of an information processing apparatus comprising a random number generator for generating a random time, wherein the random time is used to modify the determined time, as recited in claim 2.

Applicants respectfully submit that Ganzer does not provide the disclosure missing from Knudson, Yuen, and Gordon.

U.S. Patent No. 09/663,501   PATENT
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Therefore, Applicant respectfully submits that claim 2 is patentable.

V.   DEPENDENT CLAIMS

The other claims in this application are each dependent from independent claim 2

discussed above, and are therefore patentable for at least the same reasons. Since each dependent

claim is also deemed to define an additional aspect of the invention, however, the individual

reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with

respect to the disclosure in the cited reference, or references, it is respectfully requested that the

Examiner specifically indicate the portion, or portions, of the reference, or references, providing

the basis for a contrary view.

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In view of the foregoing remarks, it is believed that all of the claims in this

application are patentable and Applicants respectfully request early passage to issue of the

present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By _____
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800

10 of 10   00391865

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